

Judge Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSICA CAROTHERS,

Defendant.

NO. CR04-240 MJP

ORDER CONTINUING
TRIAL DATE

This matter having come before the undersigned Court by stipulation and motion of counsel, the United States through the United States Attorney for the Western District of Washington, Susan M. Roe, Assistant United States Attorney for said district, and the defendant through counsel, Gilbert Levy, the Court being fully advised in the matter, now finds that

The joint motion is made because this matter appeared to have been resolved several times before failing to resolve, there is a pending substantive motion before the Court, and the trial and witness schedules of counsel and the Court dictate a trial date in January of January 23, 2006. The trial was scheduled for November 14, 2005.

The Court is aware that time limitations for trial and speedy trial concerns are set forth in Title 18, United States Code, Section 3161.

Section 3161(h) outlines the periods of excludable time, including:

(8)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the

request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

In this matter, the Court finds that further time is reasonable and necessary as the requested time is within the speedy trial time period. Further, that the ends of justice, especially those which deal with consideration of witnesses, are served by the requested continuance as this Title 21 trial has few civilians witnesses and no known victims. Therefore, the trial date is continued until January 23, 2006 and the time between November 14, 2005 and January 23, 2006, is excludable time under the Speedy Trial Act.

Dated this 29th day of November, 2005.

/S/Marsha J. Pechman
MARSHA J. PECHMAN
United States District Court

Presented by:

s/Susan M. Roe
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